IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 955 OF 2007
WITH
CRIMINAL WRIT PETITION NO. 956 OF 2007
WITH
CRIMINAL WRIT PETITION NO. 957 OF 2007

Shri Changdev Rambhau Ghumare ..Petitioner

Vs.

Shri Vijay Rajaram Vidhate and anr. ..Respondents

Mr. Prakash Naik i/by Mr. T.N. Sonawane for petitioner.

Ms. Deepa Malwankar h/f Mr. J.N. Pawar for respondent no.1.

Mr. D.R. More, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : August 22, 2007.

P.C.:

1. Heard Mr. Naik the learned counsel for the petitioner and Ms. Malwankar h/f Mr. Pawar the learned counsel for the respondent no.1. The learned APP appears for the respondent no.2-State.

2. S.C.C. No. 1459/02, S.C.C. No.2930/02 and S.C.C. No.5217/02 were filed against the present

petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and all the complaints have been allowed by the trial court as per the order dated 20/4/2005. The compensation amount granted by the trial court in all these three complaints comes to Rs.86,83,000/-.

3. The accused, therefore, filed three criminal appeals i.e. Criminal Appeal Nos.43, 44 and 45 of 2005 before the Sessions Court and the appeals have been admitted. On 30/4/2005 the learned II Adhoc Additional Sessions Judge, Nasik, while admitting the appeals, stayed the order of conviction and released the appellant on bail on execution of PR bond in the sum of Rs.15000 with solvent surety in the like amount.

4. It appears that the complainant filed an application at Exh.21 on or about 23/2/2007 and prayed for fresh directions to deposit the compensation amount, as directed by the trial court, in each of the complaints and this application came to be partly allowed by the learned Sessions Judge at Nasik vide his order dated 11/4/2007. By the said order 10% of

the compensation amount has been directed to be deposited so as to continue the stay to the order of sentence.

5. Mr. Naik submitted that when the order of conviction and sentence was stayed unconditionally as per the order dated 30/4/2005, the application at Exh.21 was not maintainable to review or recall the said order or to modify it. He further submitted that the allegations made in the application at Exh.21 regarding the delay caused by the appellant in the hearing of the appeals were false.

6. There is no doubt that the appeals have been pending for last more than two years or so and it would be in the interest of both the parties that these appeals are heard and decided within a fixed period.

7. Hence, it is directed that Criminal Appeal Nos.43, 44 and 45 of 2005 be heard and decided on their own merits as expeditiously as possible and in any case before 31st October, 2007 and the impugned order dated 11/4/2007 shall stand stayed till then in

all the appeals. The parties have furnished an undertaking before this court that they will co-operate with the learned Addl. Sessions Judge to get the appeals decided within the stipulated period as mentioned hereinabove.

8. Petitions disposed off accordingly.

(B.H. Marlapalle,J.)